

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

BRIAN THOMAS MCVEY,

Plaintiff,

v.

STEADFAST INSURANCE COMPANY,

Defendant.

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No. 5:19-CV-1254

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**DEFENDANT’S NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332 and 1446, defendant Steadfast Insurance Company (“Steadfast”) hereby gives notice and removes this case to the United States District Court for the Western District of Texas, San Antonio Division. Steadfast represents the following in accordance with the requirement of 28 U.S.C. § 1446(a) for a “short and plain statement of the grounds for removal”:

**BASIS FOR REMOVAL**

Steadfast is a defendant in a state court case in which plaintiff Brian Thomas McVey (“McVey”) alleges entitlement to certain insurance benefits. *See* Plaintiff’s Original Petition, attached hereto as **Exhibit A**.

Steadfast is a corporation, incorporated and with its principal place of business in the state of Delaware. Steadfast is a citizen of Delaware, not Texas. McVey is an individual who is citizen of the state of Texas. Steadfast and McVey are thus citizens of different states. McVey alleges more than \$200,000 in damages. *See* Ex. A at ¶ 9. McVey served Steadfast with Plaintiff’s Original Petition within 30 days of this filing. Prior to being served with Plaintiff’s Original Petition, Steadfast had not been served with any pleading or papers that would show a basis for removal to this Court.

This Notice of Removal is timely filed, as it is being filed within thirty days after service of a summons and Plaintiff's Original Petition upon Steadfast as required by 28 U.S.C. § 1446(b).

As required by 28 U.S.C. § 1446(a), a copy of all records and proceedings from Bexar County, Texas, are attached hereto as exhibits or will be timely supplemented. **Exhibit A** is Plaintiff's Original Petition. **Exhibit B** contains Plaintiff's Original Petition, Steadfast's answer, and a copy of the state court docket. In accordance with 28 U.S.C. § 1446(d), Steadfast filed written notice of this removal with the Clerk of the Court of Bexar County, Texas. A copy of this Notice of Removal and the written notice of the same also are being served upon McVey.

#### **EFFECTUATION OF REMOVAL**

Removal is proper under 28 U.S.C. §§ 1332 and 1441 because the amount in controversy, exclusive of interest and costs, exceeds \$75,000 and the action is between citizens of different states. Steadfast thus hereby removes this action to the United States District Court for the Western District of Texas, San Antonio Division. Venue is proper in this Court pursuant to 28 U.S.C. § 1446(a), as the United States District Court for the Western District of Texas, San Antonio Division, is the district in which Plaintiff's Original Petition was filed.

WHEREFORE, Steadfast Insurance Company hereby removes this action to the United States District Court for the Western District of Texas, San Antonio Division.

Dated: October 22, 2019.

Respectfully submitted,

/s/ William Akins

William J. Akins  
State Bar No. 24011972  
FISHERBROYLES LLP  
100 Congress Ave. Suite 2000  
Austin, Texas 78701  
Telephone: (214) 924-9504  
william.akins@fisherbroyles.com

Bryan D. Pollard  
State Bar No. 00795592  
FISHERBROYLES, LLP  
Highland Park Place  
4514 Cole Avenue, Suite 600  
Dallas, Texas 75205  
E-Mail:  
bryan.pollard@fisherbroyles.com  
Telephone: (214) 984-7153  
Facsimile: (214) 279-7192

ATTORNEYS FOR DEFENDANT  
STEADFAST INSURANCE  
COMPANY